

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

16-CA-256804

Date Filed

2/21/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonalds		b. Tel. No. (972) 458-1952
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 13950 Midway Road TX Farmers Branch 75244-_____	e. Employer Representative (b) (6), (b) (7)(C)	
	g. e-Mail	
	h. Number of workers employed 30	
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service Food Service	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Title:

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(signature of representative or person making charge)

Title:

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

02/21/2020 14:16:11

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)-2020

Towse. Sheila J.

From: e-service@nrlb.gov <e-Service@service.nrlb.gov>
Sent: Friday, February 21, 2020 2:17 PM
To: DG-EFileChgPet-FTW16
Subject: FW: Inquiry # (b) (6), (b) (7)(C) Charge - CA

This is to notify you that a new Signed Charge Against Employer, Documentary Evidence Document(s) has been received by your office Region 16, Fort Worth, Texas for Inquiry # (b) (6), (b) (7)(C) Charge Type : CA.
You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted: 2/21/2020 2:16:14 PM (UTC-06:00) Central Time (US & Canada)

Dispute/Unit Location: Addison, TX

Regional, Sub-Regional Or Resident Office: Region 16, Fort Worth, Texas

Employer: McDonalds

Charge Type: CA

Inquiry Number: (b) (6), (b) (7)(C)

Filing Party: Charging Party

Name: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

Telephone: (b) (6), (b) (7)(C)

Fax:

Attachments: Signed Charge Against Employer: CHG (b) (6)
(b) (6), (b) (7)(C).SignedChargeAgainstEmployer_Wiz.pdf
Documentary Evidence: DEV (b) (6)
(b) (6), (b) (7)(C).AdditionalInfoSupportingCharge.pdf

Additional Information in Support of Charge

Charging Party Name : (b) (6), (b) (7)(C)

Inquiry Number : (b) (6), (b) (7)(C)

Date Submitted : 02/21/2020 14:16:11

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

See Inquiry (b) (6), (b) (7)(C)

Case Name: McDonalds
Case No.: 16-CA-256804
Agent: Edna Bethea Field Examiner

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
02/27/20	CP	telephone	Contacted CP with (b) (6), (b) (7)(C) question. (b) (6), (b) (7)(C) admits (b) (6), (b) (7)(C) but wants to proceed with AFF but needed additional info. Was going to NLRB website.
02/27/20	CP	telephone	Called to confirm that (b) (6), (b) (7)(C) wanted to proceed with charges. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) could not speak now but would call back. I did not hear from the CP
02/28/20	CP	email	Sent email to schedule AFF CP needed to call by Monday March 2. AFF must be completed by March 6
03/06/20	Board Agent	telephone	CP called on Mach 6 at 3.45PM requesting to start AFF. (b) (6), (b) (7)(C) request was not honored at that time. During the call I asked CP if (b) (6), (b) (7)(C) wanted to withdraw because (b) (6), (b) (7)(C) hadn't called me by the time (b) (6), (b) (7)(C) should have, and it was not scheduled by March 2. CP said (b) (6), (b) (7)(C) didn't want to withdraw and that (b) (6), (b) (7)(C) wanted to proceed with the charge and that (b) (6), (b) (7)(C) was ready to provide (b) (6), (b) (7)(C) affidavit then. I told (b) (6), (b) (7)(C) it would take 2-3 hours to complete and the affidavit hadn't been scheduled yet. I said I would investigate (b) (6), (b) (7)(C) case and get back to (b) (6), (b) (7)(C) I have not heard from CP since that day
03/09/20	CP	Telephone	Called CP-left a voice message - to schedule AFF for 03/10/2020 but CP did not return my call. I also emailed CP, but no response
03/10/20	CP		CP did not return my call today therefore the recommendation to dismiss due to lack of cooperation has been sent to Supervisor

Date	Person Contacted	Method of Contact	Description of Contact or Activity



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St - Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

February 24, 2020

(b) (6), (b) (7)(C)

Re: McDonalds
Case 16-CA-256804

DEAR (b) (6), (b) (7)(C)

The charge that you filed in this case on February 21, 2020 has been docketed as case number 16-CA-256804. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner EDNA I. BETHEA whose telephone number is (682)703-7790. If this Board agent is not available, you may contact Supervisory Field Examiner MEIKE ZIEGLER whose telephone number is (682)703-7226.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

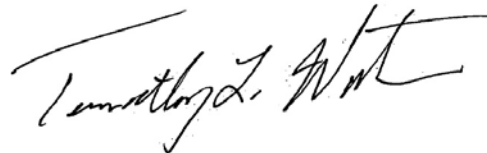
Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", written in a cursive style.

TIMOTHY L. WATSON
REGIONAL DIRECTOR



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St - Rm 8A24
Fort Worth, TX 76102-6107

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Telephone: (817)978-2921
Fax: (817)978-2928



Download
NLRB
Mobile App

February 24, 2020

MCDONALDS
13950 MIDWAY RD
FARMERS BRANCH, TX 75244

Re: McDonalds
Case 16-CA-256804

DEAR SIR OR MADAM:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner EDNA I. BETHEA whose telephone number is (682)703-7790. If this Board agent is not available, you may contact Supervisory Field Examiner MEIKE ZIEGLER whose telephone number is (682)703-7226.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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February 24, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson", written in a cursive style.

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

16-CA-256804

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALDS

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 16-CA-256804

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 24, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

MCDONALDS
13950 MIDWAY RD
FARMERS BRANCH, TX 75244

February 24, 2020

Date

Cynthia Davis, Designated Agent of NLRB

Name



Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

Agent's Direct Dial: (682)703-7790

February 27, 2020

(b) (6), (b) (7)(C)

Re: McDonalds
Case 16-CA-256804

Dear (b) (6), (b) (7)(C):

Upon review of the allegations in your charge, the Region has decided that injunctive relief may be appropriate under Section 10(j) of the National Labor Relations Act. This letter is to advise you of how a 10(j) investigation differs from a typical unfair labor practice investigation and what you can do to assist in that investigation.

Section 10(j) of the Act allows the Board to seek immediate injunctive relief in U.S. District Court. This extraordinary relief is available only in situations where the Board's normal procedures will not provide effective relief because, by the time the Board issues an order, the damage caused by the illegal acts cannot be undone. You should be aware that the investigation of a 10(j) case differs from other unfair labor practice investigations in two important respects.

First, in addition to obtaining evidence to show that an unfair labor practice has occurred, the Board agent, during the initial investigation, must also obtain evidence showing that, without an injunction, the alleged unlawful acts could have a permanent effect so that any Board remedy would have no real effect. The Board agent may question you and other witnesses about the impact of the alleged violations on statutory rights, including facts that will show any "chill" on the right of you or other employees to engage in concerted or union activities. This evidence of impact varies from case to case depending on the nature of the unlawful conduct. Examples include: a drop in the number of union authorization cards obtained after the unfair labor practices began; a decrease in attendance at union organizing meetings; the number of employees affected by changes to important working conditions; and statements made by employees that would show, because of the unfair labor practices, they fear losing their jobs, are angry at the union, believe the union is ineffective, believe organizing is futile, etc.

Second, the investigation of cases involving potential 10(j) relief has priority over most other cases in the Region. This is because delay may entirely preclude injunctive relief where the situation has changed so much that an injunction cannot undo the harm caused by the unfair labor practices. Thus, you should be prepared to present all of your evidence, including impact evidence, as quickly as possible.

If you have any questions, please contact the Board agent assigned to investigate your charge. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with a long horizontal stroke at the end.

TIMOTHY L. WATSON
Regional Director

From: [Bethea, Edna I.](#)
To: (b) (6), (b) (7)(C)
Subject: McDonalds; 16-CA-256804
Date: Friday, February 28, 2020 10:09:00 AM
Attachments: [image001.jpg](#)

(b) (6), (b) (7)(C),

I spoke to you yesterday and you stated you could not speak but would return my call. It is now time for me to schedule an appointment with you to take your affidavit. As the Charging Party, you are responsible for promptly providing your evidence. As such, I must take your affidavit by the end of business day of **Friday, March 06, 2020**. Please call me by Monday, **March 2, 2020**, to schedule an appointment at a mutually convenient time.

If you do not provide your affidavit by **March 06, 2020**, you may want to consider withdrawing the charge, or the Region will consider dismissing the charge for lack of cooperation because we will need evidence in support of the charge by that date.

Please be aware that Section 10(b) provides that no complaint shall issue based upon any unfair labor practice occurring more than **six months** prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made.

Thank You,

Edna Bethea

Field Examiner

National Labor Relations Board | Region 16

819 Taylor Street, Rm 8A24

Fort Worth, TX 76102

682-703-7790 Office

202-702-6015 Cell

Edna.Bethea@nlrb.gov | www.nlrb.gov



This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply email and delete all copies of this message.

From: [Bethea, Edna I.](#)
To: (b) (6), (b) (7)(C)
Subject: McDonalds 19-CA-256804
Date: Monday, March 9, 2020 1:46:00 PM

Subject: McDonalds 19-CA-256804

(b) (6), (b) (7)(C),

I called and left a voice message this morning regarding the scheduling of your affidavit appointment. Last week you were issued a deadline to schedule your affidavit by March 2 and to provide your affidavit by March 6, 2020. After not hearing from you, on Friday, March 6, 2020, at 3:30 p.m. you contacted me ready to provide your affidavit; however, I was unable to take your affidavit due to other scheduled commitments.

At this time, I am requesting that you contact me **today, March 9**, to schedule your affidavit for tomorrow, **Tuesday, March 10**. As the Charging Party, you are responsible for promptly providing your evidence in support of your charge.

If you do not provide your affidavit by close of business on **March 10, 2020**, or you are not available to provide your affidavit tomorrow, you may want to consider withdrawing the charge and re-filing the charge when you are available to provide your affidavit. Otherwise, the Region will consider dismissing your charge for lack of cooperation.

Please be aware that Section 10(b) provides that no complaint shall issue based upon any unfair labor practice occurring more than **six months** prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made.

Sincerely,

Edna Bethea
682-703-7790

From: [Gonzalez, Ofelia](#)
To: [Towse, Sheila J.](#)
Cc: [Bethea, Edna I.](#); [Ziegler, Meike](#); [Kolb, Kari L.](#); [Bailey, Letrivette](#)
Subject: FW: McDonalds 16-CA-256804
Date: Wednesday, March 11, 2020 12:35:00 PM
Attachments: [FIR.16.-CA-256804.Rec Dismiss.docx](#)

ROD is to dismiss for lack of cooperation.

Trivie – please issue a LOC letter once the ROD is entered in NxGen.

Thank you!

From: Ziegler, Meike <Meike.Ziegler@nlrb.gov>
Sent: Wednesday, March 11, 2020 10:57 AM
To: Gonzalez, Ofelia <Ofelia.Gonzalez@nlrb.gov>
Subject: FW: McDonalds 16-CA-256804

I agree with the recommendation to dismiss this case for LOC.

From: Bethea, Edna I. <Edna.Bethea@nlrb.gov>
Sent: Wednesday, March 11, 2020 10:49 AM
To: Ziegler, Meike <Meike.Ziegler@nlrb.gov>
Subject: McDonalds 16-CA-256804

Meike-

Good morning!

I am recommending to have this case dismiss due to CP's lack of cooperation.

Thank you,
Edna Bethea



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

March 11, 2020

(b) (6), (b) (7)(C)

Re: McDonalds
Case 16-CA-256804

DEAR (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that MCDONALDS has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because of the lack of cooperation by the Charging Party.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-File@NLRB.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **March 25, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 24, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the

appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 25, 2020**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 25, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ofelia Gonzalez", is written over a horizontal line.

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MCDONALDS
13950 MIDWAY RD.
FARMERS BRANCH, TX 75244

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

McDonalds

Case Name(s).

Case 16-CA-256804

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)